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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,616	10/30/2003	Gregoire Jaunin	MS1-1653US	9965

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EXAMINER	
SAINT CYR, JEAN D	
ART UNIT	**PAPER NUMBER**
2425	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/699,616	JAUNIN ET AL.	
	Examiner	Art Unit	
	JEAN Duclos SAINT CYR	2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 February 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-10,12-14,16,35 and 43-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-10,12-14,16,35 and 43-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/02/2010 has been entered.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 7 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 7 discloses a computer- readable media and that computer-readable media can be a carrier wave or signal.

Response to Amendment

This action is in response to applicant's amendment filed on 02/02/2010, claims 1, 4-10, 1214, 16, 35 are still pending in the current application. Claims 43-46 are added. This action is made NON-FINAL.

Response to Arguments

Applicant's arguments with respect to claims 1, 4-10, 1214, 16, 35 and 43-46 were fully considered, but they were not persuasive. Applicant only argues that the cited references did not disclose the new limitations as reporting an exception encountered during processing of the third request, the third request including the log session ID and the third log ordering ID; requesting log entries from a content server that ,generated the exception and that match the log session ID and requesting log entries from other content servers that processed requests that chronologically precede the exception and that match the log session ID; and utilizing the log entries to generate an

exception report that provides a context of the exception, the context including identifying a source of the exception and describing how to remedy the exception.

However, John et al show in fig.12, a system that is capable of monitoring the operation of all servers and providing report for any error encountered during processing and disclose displaying server information; displaying system error, warnings,0092; critical errors, warning, asynchronous event notifications , and the like are reported back to the Cluster Management Console as SNMP traps. An administrator using the Console is accordingly informed about such events on any server in a cluster and if needed can then take appropriate action,0097; with this information it is clear that errors encountered during processing was reported to administrator and that report contains information associated with a specific server. If a first server detects that a second server is down, it marks the second server as down and removes it from membership of the cluster. When it receives an I am alive message from the server that went down, it includes it back into the cluster, 0085; 0097; the source of exception was identified and decision was made according to information received from the report. As a result, this action is made non-final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4-10, 12-14, 16, 35 and 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satomi et al in view of John et al further in view of Alao, US No. 20020147645.

Re claim 1, Satomi et al disclose wherein: the first request includes a log session identifier and a first log ordering ID; and the content provider includes a plurality of content servers(see fig.1, a plurality of servers; a cookie, which is an identifier used to identify each Web client 101 that has accessed the Web server 105, is equivalent to the session information 302, 0037; see fig.7, related session information);

processing the first request on a first content server of the plurality of content servers to find a first result(transmits contents of the execution request to the AP server 106. The AP server 106 extracts data required for the execution from the DB server 107, and executes the services, 0033);

incrementing the first log ordering ID to generate a second log ordering ID designated for use by the client in a second request to the content provider(see fig.4 where log information ID is incremented);

storing a log entry in a log on the first content server that includes: the log session ID; and the first log ordering ID or the second log ordering ID(session information included in log information held by each server is recorded in a session-information management table, 0012; a cookie, which is an identifier used to identify each Web client 101 that has accessed the Web server 105, is equivalent to the session information 302, 0037; see fig.7, related session information);

wherein the second request includes the log session ID and the second log ordering ID provided to the client in the first response(a cookie, which is an identifier used to identify each Web client 101 that has accessed the Web server 105, is equivalent to the session information 302, 0037);

processing the second request on a second content server of the plurality of content servers to find a second result;

incrementing the second log ordering ID to generate a third log ordering ID designated for use by the client in a third request to the content provider(see fig.4 where log information ID is incremented);

storing a log entry in a log on the second content server that includes: the log session ID(session information included in log information held by each server is recorded in a session-information management table, 0012); and

the second log ordering ID or the third log ordering ID; and generating a second response for communicating over the network to the client, wherein the second response includes: the third log ordering ID designated for use by the client in a third request to the content provider; the second result of the processed second request(see fig.7, related session information where every request has a specific log ID).

But did not explicitly disclose receiving a first request by a load balancer at a content provider from a client over a network, receiving a second request by the load balancer at the content provider from the client;

generating a first response at the content provider for communicating to the client over the network, wherein the first response includes: the second log ordering ID designated for use by the client in a second request to the content provider; and the first result of the processed first request;

reporting an exception encountered during processing of the third request, the third request including the log session ID and the third log ordering ID;

requesting log entries from a content server that ,generated the exception and that match the log session ID and requesting log entries from other content servers that processed requests that chronologically precede the exception and that match the log

session ID; and
utilizing the log entries to ,generate an exception report that provides a context of the exception, the context including identifying a source of the exception and describing how to remedy the exception.

However, John et al disclose receiving a first request by a load balancer at a content provider from a client over a network, receiving a second request by the load balancer at the content provider from the client(the requests are directed via load-balancing component 125, shown as a Layer 4 switch in FIG. 1, 0050 and see fig.4);

reporting an exception encountered during processing of the third request, the third request including the log session ID and the third log ordering ID; requesting log entries from a content server that ,generated the exception and that match the log session ID and requesting log entries from other content servers that processed requests that chronologically precede the exception and that match the log session ID(see fig.12, errors/warning and log; displaying server information; displaying system error, warnings,0092; critical errors, warning, asynchronous event notifications , and the like are reported back to the Cluster Management Console as SNMP traps. An administrator using the Console is accordingly informed about such events on any server in a cluster and if needed can then take appropriate action,0097; with this information it is clear that errors encountered during processing was reported to administrator and that report contains information associated with a specific server) ; and

utilizing the log entries to generate an exception report that provides a context of the exception, the context including identifying a source of the exception and describing how to remedy the exception(If a first server detects that a second server is down, it marks the second server as down and removes it from membership of the cluster. When it receives an I am alive message from the server that went down, it includes it

back into the cluster, 0085;0097; the source of exception was identified and decision was made according to information received from the report).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of John into the invention of Satomi for the purpose of limiting latency in requesting data and allowing the system to receive reports of errors encountered during processing just to take appropriate action accordingly.

And Alao et al disclose generating a first response at the content provider for communicating to the client over the network, wherein the first response includes :the second log ordering ID designated for use by the client in a second request to the content provider ; and the first result of the processed request (purchase transaction begins when a client sends a message to the server comprising session identifier associated with a cookie, the application server processes the order and returns the confirmation to the set-top box. The SPS intercepts the response, updates the order log to reflect the confirmation and forwards it to the set-top box, 0108).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Alao into the system of Satomi as modified by John for the purpose of updating the order log before sending any response to the user.

Re claim 4, Satomi et al disclose , further comprising: initiating the log session; and generating the log session ID(a cookie, which is an identifier used to identify each Web client 101 that has accessed the Web server 105, is equivalent to the session information 302, 0037).

Re claim 5, Satomi et al disclose wherein the log entry further comprises data that describes the processing of the request (see fig.2, log entry; series of execution steps

realized by the functions of these servers, the Web server 105 receives an execution request from the Web client 101, and then transmits contents of the execution request to the AP server 106. The AP server 106 extracts data required for the execution from the DB server 107, and executes the services, 0033).

Re claim 6, Satomi et al disclose wherein the request is selected from the group consisting of: an order for a good or service that is available for purchase; and an order for content that is available for broadcast by the content provider (see fig.1; the system provides services by use of three kinds of servers, 0031).

Re claim 7, Satomi et al disclose One or more computer-readable media comprising computer-executable instructions that, when executed, perform the method as recited in claim 1(It is also possible to store a program for executing the method of the present invention described above in a storage medium that can be read by a computer, and then to load this program into a memory to execute it, 0075).

Re claim 8, Satomi et al disclose a content provider comprising a plurality of content servers, wherein a first content server of the plurality of content servers includes a processor and memory configured to maintain: an application that is executable on the processor to (a system comprising a plurality of servers connected to each other via a network, 0012; units of processing , 0040; a storage medium that can be read by a computer, and then to load this program into a memory to execute I, 0075);
process a first request from a client, the first request including a log session identifier and a first log ordering ID(a cookie, which is an identifier used to identify each Web client 101 that has accessed the Web server 105, is equivalent to the session information 302, 0037);

increment the first log ordering ID to a second log ordering ID designated for use by the client in a second request to the content provider(see fig.4 where log information ID is incremented); and

a log for storing a log entry associated with the first request, wherein the log entry has: the log session identifier that references a log session that includes the request; data that describes an action performed in the processing of the first request, wherein the data is selected from the group consisting of: data that had been included in the first request; a time at which the first request was received by the application; a description of the application; an amount of time taken to process the first request; and data that was included in a response to the first request(log recorded time information 303 indicating the date and time at which the log entry 301 is recorded, 0033); and

the first log ordering ID or the second log ordering ID representing the sequence in which each said log entry was stored in the log by the content server and unique for each said action that was performed in the processing of the first request, wherein the second log ordering ID is designated for use by the client in a second request to the content provider (see fig.4, a sequence of log ordering ID).

But did not explicitly disclose wherein the first content server is further configured to generate a response for communication to the client in response to receiving the first request, the response including a result of the processing of the first request and the second log ordering ID;

a central monitoring application that is executable on the processor to: report an exception encountered during processing of the second request, the second request including the log session ID and the second log ordering ID; request log entries from a content server that ,generated the exception and that match the log session ID and request log entries from other content servers that processed requests that chronologically precede the exception and that match the log session ID; and

utilize the log entries to generate an exception report that provides a context of the exception, the context including identifying a source of the exception and describing how to remedy the exception.

However, John et al disclose a central monitoring application that is executable on the processor to(the Cluster Management Console further allows for monitoring of server load,0098; a Cluster Management Console may be provided to allow an administrator to effectively manage a cluster. The Cluster Management Console is generally a centralized tool to define, configure, administer and monitor the servers in a cluster,0092):

report an exception encountered during processing of the second request, the second request including the log session ID and the second log ordering ID;
request log entries from a content server that ,generated the exception and that match the log session ID and request log entries from other content servers that processed requests that chronologically precede the exception and that match the log session ID(see fig.12, errors/warning and log; displaying server information; displaying system error, warnings,0092; critical errors, warning, asynchronous event notifications , and the like are reported back to the Cluster Management Console as SNMP traps. An administrator using the Console is accordingly informed about such events on any server in a cluster and if needed can then take appropriate action,0097; with this information it is clear that errors encountered during processing was reported to administrator and that report contains information associated with a specific server); and

utilize the log entries to generate an exception report that provides a context of the exception, the context including identifying a source of the exception and describing how to remedy the exception(If a first server detects that a second server is down, it marks the second server as down and removes it from membership of the cluster. When it receives an I am alive message from the server that went down, it includes it

back into the cluster, 0085;0097; the source of exception was identified and decision was made according to information received from the report).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of John into the invention of Satomi for the purpose of limiting latency in requesting data and allowing the system to receive reports of errors encountered during processing just to take appropriate action accordingly.

And Alao et al disclose wherein the first content server is further configured to generate a response for communication to the client in response to receiving the first request, the response including a result of the processing of the first request and the second log ordering ID(purchase transaction begins when a client sends a message to the server comprising session identifier associated with a cookie, the application server processes the order and returns the confirmation to the set-top box. The SPS intercepts the response, updates the order log to reflect the confirmation and forwards it to the set-top box, 0108).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Alao into the system of Satomi as modified by John for the purpose of updating the order log before sending any response to the user.

Re claim 9, Satomi et al did not disclose further comprising a load balancer that: is communicatively coupled to the plurality of content servers; and provides load balancing for the plurality of content servers for the processing of the first request from the client.

However, John et al disclose further comprising a load balancer that: is communicatively coupled to the plurality of content servers; and provides load balancing

for the plurality of content servers for the processing of the first request from the client (see fig.2, load balancer; FIG. 2 depicts servers 80 and 82 operating together as a cluster, receiving requests from load balancer 79, 0006).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of John into the invention of Satomi as modified by Alao for the purpose limiting latency and congestion of bandwidth in requesting data.

Re claim 10, Satomi et al disclose, further comprising a log server
to initiate the log session that includes the first request from the client; and generate the log session ID that references the log session (a cookie, which is an identifier used to identify each Web client 101 that has accessed the Web server 105, is equivalent to the session information 302, 0037).

Re claim 12, Satomi et al disclose wherein the log entry further comprises a client ID that identifies the client (an identifier used to identify each Web client, 0037).

Re claim 13, Satomi et al disclose wherein the log entry is stored in the memory of the respective said content server that processed the first request (a log entry 301, which is a unit of recording).

Re claim 14, Satomi et al disclose wherein the first request is selected from the group consisting of: an order for a good or service that is available for purchase; and
an order for content that is available for broadcast by execution of the application(the system provides services by use of three kinds of servers, 0031).

As clam 16, the claimed " a content provider, comprising: a log server to initiate a log session with a client and generate a log session ID that references the log session; a load balancer that provides load balancing of one or more requests received during the

log session from the client over a network…; a central monitoring application configured to: receive a report regarding an exception encountered during processing of the third request, the third request including the log session ID and the third log ordering ID" is composed as the same structural elements as previously discussed with respect to the rejection of claim 8.

Re claim 35, Satomi et al disclose a set-top box communicatively coupled to a network, and including a processor and memory that is configured to maintain an interface application that is stored in the memory and is executable on the processor to communicate one or more requests comprising an order for a good or service that is available for purchase or an order for content that is available for broadcast by a content provider over a network(units of processing, 0040; a storage medium that can be read by a computer, and then to load this program into a memory to execute it, 0075; see fig.1; the system provides services by use of three kinds of servers, 0031) ; and

the content provider that is communicatively coupled to the set- top box over the network (see fig.1), and including:

a log server to initiate a log session with the set-top box and to generate a log session ID that references the log session(a cookie, which is an identifier used to identify each Web client 101 that has accessed the Web server 105, is equivalent to the session information 302, 0037);

increment a first log ordering identifier (ID) received from the c-lien-t-set-top box with the first request to generate a second log ordering ID designated for use by the set-top box in a second request to the content provider; store a log entry on a log in the memory_ of the first content server that processed the first request, wherein the log entry has: a set-top box ID that identifies the set-top box that communicated the first request, the log session identifier (ID) that references the log session; data that describes an action performed in the processing of the first request; and (see fig.4

where log ordering ID is incremented in sequence; a cookie, which is an identifier used to identify each Web client 101 that has accessed the Web server,0037; that means each receiver is identified by a its identifier);

wherein a first content server of the plurality of content servers includes a processor and memory that is configured to maintain one or more applications that are executable on the processor to: process a first request to find a first result (see fig.1, a plurality of servers; units of processing, 0040; a storage medium that can be read by a computer, and then to load this program into a memory to execute it, 0075);

the first log ordering ID or the second log ordering ID designated for use by the set-top box in a second request to the content provider, wherein the log ordering IDs represent the sequence in which log entries are stored by the plurality of content servers(see fig.4, a sequence of log ordering ID);

But did not explicitly disclose a load balancer that provides load balancing of the one or more requests received during the log session from the set-top box over the network; and a plurality of content servers that are communicatively coupled to the load balancer;

generate a response for communication to the set-top box over the network, wherein the response includes the first result of the processing of the first request and the second log ordering ID designated for use by the set-top box in a second request to the content provider.

a central monitoring application configured to: receive a report regarding an exception encountered during procession of the second request, the second request including the log session ID and the second log ordering ID.

However, John et al disclose a load balancer that provides load balancing of the one or more requests received during the log session from the set-top box over the network;

and a plurality of content servers that are communicatively coupled to the load balancer (the requests are directed via load-balancing component 125, shown as a Layer 4 switch in FIG. 1, 0050 and see fig.4);

a central monitoring application configured to:(the Cluster Management Console further allows for monitoring of server load,0098; a Cluster Management Console may be provided to allow an administrator to effectively manage a cluster. The Cluster Management Console is generally a centralized tool to define, configure, administer and monitor the servers in a cluster,0092);

receive a report regarding an exception encountered during processing of the second request, the second request including the log session ID and the second log ordering ID(If a first server detects that a second server is down, it marks the second server as down and removes it from membership of the cluster. When it receives an I am alive message from the server that went down, it includes it back into the cluster, 0085;0097; the source of exception was identified and decision was made according to information received from the report).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of John into the invention of Satomi for the purpose of limiting latency in requesting data and allowing the system to receive reports of errors encountered during processing just to take appropriate action.

And Alao et al disclose generate a response for communication to the set-top box over the network, wherein the response includes the first result of the processing of the first request and the second log ordering ID designated for use by the set-top box in a second request to the content provider(purchase transaction begins when a client sends a message to the server comprising session identifier associated with a cookie, the application server processes the order and returns the confirmation to the set-top box.

The SPS intercepts the response, updates the order log to reflect the confirmation and forwards it to the set-top box, 0108).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Alao into the system of Satomi as modified by John for the purpose of updating the order log before sending any response to the user.

Re claim 43, is met as previously discussed with respect to the rejection of claim 8.
Re claim 44, is met as previously discussed with respect to the rejection of claim 8.
Re claim 45, is met as previously discussed with respect to the rejection of claim 1.
Re claim 46, is met as previously discussed with respect to the rejection of claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST.If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reach on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see htpp://pair-direct.uspto.gov. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-272-1000.

/Jean Duclos Saintcyr /

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425